



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION IX**  
75 Hawthorne Street  
San Francisco, CA 94105

April 16, 2008

Robert M. Smiland, President  
Fine Line Paint Corporation  
FOIA ex 6, Personal  
Privacy

Re: 104 (e) Request for Information - Omega Superfund Site  
Real Property at 12200 Los Nietos Road, Santa Fe Springs, CA

Dear Mr. Smiland:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Superfund Site (the "Site"). As part of its investigation EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

EPA believes that you may have information which may assist EPA in its investigation of the Site. Evidence from groundwater investigations to date suggests that operations at various facilities in the area, including Omega Chemical, may have contributed to groundwater contamination through the use of volatile organic compounds (VOCs); including but not limited to, perchloroethylene (PCE), freons, trichloroethylene (TCE), methylene chloride and 1,1-DCE. Answers to the questions in Enclosure B will provide us some of the information we need for this site investigation.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.

(c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by a duly authorized official of your company, within **thirty (30) calendar days** of receipt of this letter. Please direct your response to:

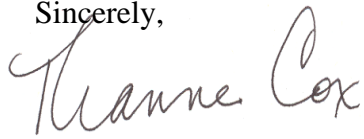
Linda Ketellapper, SFD-7-5  
U.S. Environmental Protection Agency, Region IX  
Superfund Division  
75 Hawthorne Street  
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number of the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909 or Linda Ketellapper, Enforcement Officer, at (415) 972-3104. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Chris Lichens at (415) 972-3149.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in dark ink, reading "Thanne Cox". The signature is written in a cursive style with a large, stylized "T" and "C".

Thanne Cox, Chief  
Case Development Cost  
Recovery Section

Enclosures (2)

cc: Steve Berninger, EPA ORC  
Linda Ketellapper, EPA

## ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

### Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
  - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. measures taken by you to guard against the undesired disclosure of the information to others;
  - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
  - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
  - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
  - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Arctic Slope Regional Corp.  
EPA Contract Number 68-R9-0101

Department of Toxic Substances Control/California  
Environmental Protection Agency

Science Applications International Corporation  
EPA Contract Number GS-10F-0076J

CH2M Hill, Inc.  
EPA Contract Number 68-W-98-225

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request (Fine Line Paint Corporation), the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment,

including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “documents” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

## ENCLOSURE B: QUESTIONS

1. State the full legal name, address, telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of Fine Line Paint Corporation.
2. State whether you are a past or current owner of the real property located at 12200 Los Nietos Road, Santa Fe Springs, CA (the “Property”). If so, provide a copy of the deed or other recorded instrument of conveyance evidencing your ownership of the Property. As part of your response, identify the dates you owned the Property.
3. If you are the current or past owner of the Property, and if at any time during your ownership of such address you rented or leased the Property to any individuals or entities, provide the name of such individuals or entities, the respective dates you rented or leased to each individual or entity and a copy of the lease(s), rental agreement(s) or any other document(s) governing each leasehold relationship.
4. Corporate records show that Fine Line Paint Corporation is currently a suspended California corporation. Is Fine Line Paint Corporation currently conducting business? If so, state the nature of the company’s business.
5. Identify all individuals or entities that owned the Property prior to or subsequent to its ownership by Fine Line Paint Corporation and provide the name, address, phone number and period of ownership of each of the individuals and/or entities you identify in response to this request.
6. Identify the dates you conducted business operations at the Property and provide copies of all documents evidencing such operations at this address.
7. Have you ever used, manufactured, produced, or generated any hazardous substances in the operations at the Property? If your answer is anything other than an unqualified “no”:
  - a. Identify each such hazardous substance and its period of use;
  - b. Describe the process in which the hazardous substance is or was used, manufactured, generated or produced (including any current or discontinued processes), and the waste streams from each;
  - c. Provide copies of all hazardous material business plans and chemical inventory forms (originals and updates) submitted to city, county and state agencies; and
  - d. Provide copies of all manifests or any other waste disposal records (e.g., liquid hauler records, etc.) other than regular solid waste.



8. Did any company operating on the Property use trichloroethane (TCA), at any time?
9. Provide a list of employees who had knowledge of the use and disposal of hazardous substances at the Property during the entire time period that Fine Line Paint Corporation, or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents, was associated with this facility. For each employee listed, provide the following information:
  - a. The employee's full name;
  - b. The employee's current or last known address(es) and telephone number(s), including the last known date on which you believe each address and telephone number was current;
  - c. The employee's Social Security Number;
  - d. Identify the entire time period that the employee worked at the facility; and
  - e. The position(s) the employee held with each business entity during his or her entire period of employment at the facility and the year or years that the employee held each listed position.
10. Identify any above-ground or underground storage tanks present at the Property. For each such storage tank, describe the tank's size, location, materials stored, date installed, dates operated, and if applicable, date removed. Please also provide information on any spills or leaks from the tanks, including the material and date of the spill or leak, as well as a description of any efforts to clean-up the resulting soil and/or groundwater contamination.
11. Provide any and all information regarding any known releases of hazardous substances/materials/wastes to the soil and/or groundwater during your operations at the Property.
12. Describe the corporate relationship between Fine Line Paint Corporation and Smiland Paint Company. Provide documents evidencing such relationship.
13. Information obtained by EPA suggests that Fine Line Paint Corporation may have used the name "Spectrum Paint Corporation" in its historical operations. If so, provide documentation evidencing the use of this or any other alternative name by Fine Line Paint Corporation in its operations.